

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

FILING FEE PAID:

RECEIPT # 404380

AMOUNT \$ 5.00

BY DPT CLK K/H

DATE 3/11/04

KARAMJEET S. PAUL,)

Petitioner)

vs.)

DAVID L. WINN, Warden)

Federal Medical Center,)

Devens,)

Respondent.)

CIVIL ACTION No.

04-40037

PETITION FOR WRIT OF HABEAS CORPUS PURSUANT TO
28 USC §2241

THE PARTIES

1. The Petitioner is a citizen of the State of Connecticut, presently being held in incarceration at the Federal Medical Center, Devens Camp ("FMC Devens Camp") in Ayer, Massachusetts.

2. The Respondent is the Warden of the FMC Devens Camp and is the proper party to this 28 USC §2241 habeas corpus action.

JURISDICTION AND VENUE

3. The jurisdiction of this Court is founded under the provisions of 28 USC §2241.

4. Venue of this Court is founded under 28 USC §1391(e).

STATEMENT OF THE CASE

5. The Petitioner seeks the Court to enjoin the Respondent from limiting the Community Corrections Center ("CCC" or "Halfway House") eligibility of the Petitioner as per the policy set forth in a Memorandum dated

December 20, 2002 (the "12/20/02 Memorandum"). The Petitioner also seeks the Court to direct the Respondent to grant to the Petitioner, as he would have received, placement in CCC six (6) months prior to his statutory release date before being allowed during the last ten (10) percent of his term to be placed in home confinement.

The 12/20/02 Memorandum contains a directive to the Respondent which has the effect of changing the date on which the Petitioner would become eligible for consideration for transfer to a CCC from at least as early as August 11, 2004 (six months before his Projected Release Date of February 11, 2005) to a date no earlier than November 25, 2004 (his Projected Statutory Release Date less ten percent (10%) of his sentence to be served). The Petitioner asserts that such a change is based upon an erroneous interpretation of law applied to a very well-established policy. The Petitioner also asserts that the change was implemented without compliance with the notice and comment requirements pursuant to 5 USC §553 (the "Administrative Procedure Act" or "APA"). The Petitioner also asserts that such a change would violate the Petitioner's rights not to be subject to an ex post facto application of law in violation of Article 1, Section 9, Clause 3 of the Constitution and not to be deprived of liberty or property without due process of law in violation of Article V of the Amendment to the Constitution.

THE FACTS

6. On November 6, 2002, the Petitioner was sentenced by the United States District Court for the Northern District of Ohio to a term of confinement of thirty (30) months.

7. On December 10, 2002, the Petitioner reported to the correctional facility designated by the Bureau of Prisons ("BOP"), the FMC Devens Camp in Ayer, Massachusetts, and commenced his sentence.

8. On December 10, 2002 and again in January 2003, the Respondent caused to be issued to the Petitioner an Admissions and Orientation Inmate Handbook (Revised: January 1, 2002) ("A&O Handbook"), which contained on Page 25, the following:

"RELEASE

...
Community Corrections Center ("Halfway House"): The purpose of a Community Corrections Center (CCC) is to provide inmates a positive transition from the Institution to a community based correctional setting and to final release. The length of stay in a center is determined by individual needs, availability of services in conjunction with institutional adjustment and instant offense behavior. Placement in a CCC facility will generally range between thirty (30) and one hundred eighty (180) days. The exact range of a placement is determined on a case by case basis.
..."

Upon information and belief, A&O Handbooks containing the "Release" statement quoted above are being issued to new inmates at FMC Devens Camp at least as of the date of filing of this Petition.

9. On December 10, 2002, and upon information and belief, continuously until at least the date of filing of this Petition, the BOP had in effect "Program Statement Number 7310.04, Date: 12/16/98, SUBJECT: Community

Corrections Center (CCC) Utilization and Transfer Procedure" ("PS 7310").

PS 7310 states the following in Section 5, Pages 3 and 4:

"5. STATUTORY AUTHORITY. 18 USC §3624(c) provides:

'The Bureau of Prisons shall, to the extent practicable, assure that a prisoner serving a term of imprisonment spends a reasonable part, not to exceed six months, of the last ten percent of the term to be served under conditions that will afford the prisoner a reasonable opportunity to adjust to and prepare for the prisoner's reentry into the community. The authority provided by this subsection may be used to place a prisoner in home confinement. The United States Probation Office shall, to the extent practicable, offer assistance to a prisoner during such pre-release custody.'

18 USC §3621 (b) provides:

'The Bureau of Prisons shall designate the place of the prisoner's imprisonment. The bureau may designate any available penal or correctional facility ... the Bureau determines to be appropriate and suitable.' A CCC meets the definition of a 'penal or correctional facility.'

Therefore, the Bureau is not restricted by §3624(c) in designating a CCC for an inmate and may place an inmate in a CCC for more than the 'last ten per centum of the term,' or more than six months, if appropriate. (Emphasis supplied).

Section 3624(c) however does restrict the Bureau in placing inmates on home confinement to the last six months or (10%) of the sentence, whichever is less."

10. Upon information and belief, until directed by the 12/20/02 Memorandum, the FMC Devens Camp, of which the Respondent is the Warden, had consistently recommended "most inmates ... for a six month placement at a CCC ..." (as recited by Nancy Patterson, Unit Manager, FMC Devens Camp, in her Declaration of September 15, 2003 in the case entitled Goldings v. Winn, District Court for the District of Massachusetts No. 03-40161-WGY

dent's reply to the BP-9.

17. Upon information and belief, citing the 12/20/02 Memorandum, all of the BP-9, BP-10 and BP-11's filed since December 2002, by other inmates, asking for six-month CCC designations have been rejected/denied.

18. Anticipating denial/rejection of his BP-9 filed on January 30, 2004, the Petitioner plans to file a timely Regional Administrative Remedy Appeal (a so-called "BP-10") addressed to the BOP's Regional Director pursuant to 28 CFR §542.10-§542.19.

19. Anticipating denial/rejection of his BP-10, the Petitioner plans to file a timely Central Office Administrative Appeal (BP-11) addressed to the General Counsel of the BOP pursuant to 28 CFR §542.10-§542.19.

CAUSES OF ACTION

Erroneous Interpretations

20. The Petitioner alleges that the 12/20/02 Memorandum is based upon erroneous interpretations of 18 USC §3621 and §3624 in relation to the transfer of inmates to a CCC and the designation of CCC as a penal or correctional facility. The "...BOP's new interpretation of the relevant statutes is contrary to a plain reading of the statutes, inconsistent with the prior rational interpretations of the statute propounded by both the BOP and OLC, and not supported by the legislative history surrounding the enactment of the statutes in 1984." Zucker v. Menifee No. 03Civ 10077(RJH) (S.D.N.Y. Jan. 21, 2004). See Monahan v. Winn, 276 F. Supp. 2d 196 (D. Mass. 2003); Greenfield v. Menifee, No. 03Civ.8205 (Wood, J.) (S.D.N.Y. Oct. 31, 2003);

Cato v. Menifee, No. 03Civ.5795, 2003 WL22725524 (Chin, J.) (S.D.N.Y. Nov. 20,2003); Iacoboni v. United States, 251 F. Supp. 2d 1015 (D.Mass.2003); Ferguson v. Ashcroft, 248 F. Supp. 2d 547 (M.D.La 2003).

Failure to Meet the APA Requirements

21. The BOP Program Statement No. 7310.04, in effect continuously since 12/16/98 until at least the date of filing of this petition, clearly articulates that the BOP was not restricted by 18 USC §3624(c) in placing an inmate at a CCC for a period in excess of the last ten (10) percent of his/her custodial term, and more than six (6) months if appropriate.

22. Upon information and belief, until directed by the 12/20/02 Memorandum, the FMC Devens Camp, of which the Respondent is the Warden, had consistently recommended most inmates for a six-month placement at a CCC.

23. The 12/20/02 Memorandum's directives mark a significant change from the long-established transfer-to-CCC policy.

24. The U.S. Supreme Court has held that the rule-making provisions of the APA do apply when an agency adopts a new position inconsistent with any of the agency's existing regulations.

25. The BOP's new rule, outlined in the 12/20/02 Memorandum, is invalid because the rule-making notice and comment requirements of the APA 5 USC §§551, et. esq., were not followed. See Hurt v. Federal Bureau of Prisons, No. 5:03-CV-265-4 (DF) (M.D.GA Aug. 29,2003); Culter v. United States, 241 F. Supp. 2d 19 (D.D.C. 2003); Monahan v. Winn, 276 F. Supp. 2d 196 (D.Mass 2003); Greenfield v. Menifee, No. 03Civ.8205 (Wood, J.)(S.D.N.Y. Oct. 31, 2003); Iacoboni v. United States, 251 F. Supp. 2d 1015 (D.Mass 2003).

Violations of the Constitutional Rights

26. The BOP's new rule, outlined in 12/20/02 Memorandum, is being applied to the Petitioner retroactively and is therefore in violation of the Petitioner's rights under the ex post facto and due process clauses of the U.S. Constitution Article I §9, cl.3. See Monahan v. Winn, 276 F.Supp. 2d 196 (D.Mass. 2003); Culter v. United States, 241 F.Supp. 2d 19 (D.D.C. 2003); Iacoboni v. United States, 251 F.Supp. 2d 1015 (D.Mass. 2003).

27. Upon information and belief, absent the 12/20/02 Memorandum, the Petitioner would have been eligible under the established BOP policy and practice at FMC Devens Camp for transfer to a CCC six months prior to his Statutory Release Date of February 11, 2005, and under an appropriate exercise of discretion, unconstrained by the erroneous and invalid limitations imposed by the 12/20/02 Memorandum, the Petitioner would likely be approved for six months CCC placement prior to being allowed to be placed in home confinement during the last ten (10) percent of his term beginning on November 25, 2004.

28. The Petitioner and his family will suffer irreparable injury if the injunctive relief is denied and the erroneous limitation dictated by the 12/20/02 Memorandum is imposed. Prior to the beginning of his sentence on December 10, 2002, the Petitioner had established a marketing consulting practice which he suspended to serve his incarceration. The Petitioner has had plans, at the earliest possible time, to restart his consulting practice, which takes time to establish (as contacts must be reestablished and potential

client relationships developed), while being employed simultaneously, and aid towards maintenance and advancement of his family, business and societal responsibilities. To the extent the erroneous limitation of the 12/20/02 Memorandum delays his return to restart his consulting practice, the Petitioner and his family would suffer harm that can not be repaired and recouped.

29. Even though he is pursuing relief through the BOP's administrative remedy program, the Petitioner claims that these efforts will be futile because all those who will be responding to the Petitioner's appeal through the administrative remedy program are required to follow the limitations imposed by the 12/20/02 Memorandum. Upon information and belief, the authority to withdraw or invalidate the 12/20/02 Memorandum is vested in officers and employees beyond the highest level (BOP's General Counsel) of administrative appeal available to the Petitioner. Therefore, unless the 12/20/02 Memorandum is withdrawn by the BOP, seeking relief through the administrative remedy program is an exercise in futility.

30. Since the Petitioner has no adequate remedy at law for damages, only the relief requested in this Petition granted by this Court can address this conflict.

**STATEMENT OF THE APPLICABILITY OF HABEAS RELIEF
PURSUANT TO 28 USC §2241 TO THE INSTANT CASE AT BAR**

31. The Petitioner is seeking habeas relief pursuant to 28 USC §2241, which typically challenges the execution of a federal prisoner's sentence, "including such matters as the administration of parole, computation of a prisoner's sentence by prison officials, prison disciplinary actions, prison transfers, type of detention and prison conditions." Jiminian v. Nash, 245 F3d 144, 146 (2nd Cir. 2001); see also Kingsley v. Bureau of Prisons, 937 F2d 26, 30 (2nd Cir. 1991) ("Challenges to the length, appropriateness or conditions of confinement are properly brought under 28 USC §2241"). Several petitions challenging the new BOP policy have been brought under this section. Monahan v. Winn, 276 F. Supp. 2d 196, 203 (D.Mass. 2003); Zucker v. Meniffee, No. 03Civ. 10077 (RJH) (S.D.N.Y. Jan. 21, 2004); Greenfield v. Meniffee, No. 03Civ. 8205 (Wood, J.) (S.D.N.Y. Oct. 31, 2003); Hurt v. Federal Bureau of Prisons, No. 5:03-CV-265-4 (DF) (M.D.GA Aug. 29, 2003).

RELIEF REQUESTED

WHEREFORE, the Petitioner prays:

1. That the Court order an immediate hearing on this request for a Writ of Habeas Corpus under the authority recited in 28 USC §2241.

2. That the Court declare the CCC policy dictated by the 12/20/02 Memorandum to be invalid.

3. That the Court enjoin the Respondent, his agents, employees and attorneys from limiting the CCC eligibility of the Petitioner to ten (10) percent of his sentence based upon the 12/13/02 Opinion and as dictated by the 12/20/02 Memorandum.

4. That the Court direct the Respondent to grant to the Petitioner, as he would have received, placement in CCC six (6) months prior to his Statutory Release Date of February 11, 2005 before being allowed during the last ten (10) percent of his term to be placed in home confinement.

5. That, in light of the short time between the Court's anticipated decision and August 11, 2004, the Court direct the BOP to review immediately, on an expedited basis, the Petitioner's CCC status applying the pre-December 2002 criteria without consideration of the policy stated in the 12/20/02 Memorandum.

6. That the Court direct the Respondent to implement its CCC decision as applicable to the Petitioner without delay to enable the Petitioner to have the full benefit of this relief.

7. Any other further relief that the Court may determine to be necessary and proper and which justice may require under the circumstances.

Dated: March 2, 2004

RESPECTFULLY SUBMITTED,

KSPaul

KARAMJEET S. PAUL, Pro Se
38516-060 Unit I
Federal Medical Center Devens
P.O. Box 879
Ayer, MA 01432

VERIFICATION

I, KARAMJEET S. PAUL, do hereby certify that all of the facts and circumstances as stated by me in the instant Petition are based upon information and belief, and are true and correct to the best of my knowledge.

Dated: March 2, 2004

RESPECTFULLY SUBMITTED,

KSPaul

KARAMJEET S. PAUL, Pro Se
38516-060 Unit I
Federal Medical Center Devens
P.O. Box 879
Ayer, MA 01432

14 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the clerk of court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

PLAINTIFFS **KARAMJEET S. PAUL**
38516-060 UNIT I (CAMP)
FEDERAL MEDICAL CENTER P.O. BOX 879
AYER, MA. 01432 WORCESTER
 County of Residence of First Listed Plaintiff
 (EXCEPT IN U.S. PLAINTIFF CASES)

DEFENDANTS **DAVID L. WINN**
WARDEN FMC DEVENS
P.O. BOX 880
AYER, MA. 01432 WORCESTER
 County of Residence of First Listed Defendant
 (IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED.

04-40037

Attorney's (Firm Name, Address, and Telephone Number)

Attorneys (If Known) **MICHAEL SULLIVAN**
U.S. ATTORNEY DIST. OF MASSACHUSETTS
1 COURTHOUSE WAY SUITE 9200
BOSTON, MA. 02210

PLAINTIFF IS PRO SE

SIS OF JURISDICTION (Place an "X" in One Box Only)

S. Government Plaintiff ☐ 3 Federal Question (U.S. Government Not a Party)
 S. Government Defendant ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

XXX

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

Citizen of This State ☐ 1 ☐ 1 Incorporated or Principal Place of Business in This State ☐ 4
 Citizen of Another State ☐ 2 ☐ 2 Incorporated and Principal of Business in Another State ☐ 5
 Citizen or Subject of a Foreign Country ☐ 3 ☐ 3 Foreign Nation ☐ 6

NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS		FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
Insurance Marine Killer Act Negotiable Instrument Recovery of Overpayment Enforcement of Judgment Medicare Act Recovery of Defaulted Student Loans (incl. Veterans) Recovery of Overpayment of Veteran's Benefits Stockholders' Suits Other Contract Contract Product Liability	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury	PERSONAL INJURY <input type="checkbox"/> 362 Personal Injury—Med. Malpractice <input type="checkbox"/> 365 Personal Injury—Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce/ICC Rates/ <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced a Corrupt Organizations <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodity Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice
REAL PROPERTY Land Condemnation Foreclosure Rent Lease & Ejectment Ports to Land Tort Product Liability All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 440 Other Civil Rights	PRISONER PETITIONS <input type="checkbox"/> 510 Motions to Vacate Sentence Habeas Corpus: <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input checked="" type="checkbox"/> 555 Prison Condition	LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act	SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 950 Constitutionality of State Statutes <input type="checkbox"/> 890 Other Statutory Action

ORIGIN

(PLACE AN "X" IN ONE BOX ONLY)

XX Original Proceeding ☐ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from another district (specify) ☐ 6 Multidistrict Litigation ☐ 7 Appeal to District Judge from Magistrate Judgment

CAUSE OF ACTION

(Cite the U.S. Civil Statute under which you are filing and write brief statement of cause. Do not cite jurisdictional statutes unless diversity.)

PURSUANT TO 28 USC § 2241

PETITION FOR WRIT OF HABEAS CORPUS BROUGHT

REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

DEMAND \$

CHECK YES only if demanded in complaint
JURY DEMAND: ☐ Yes ☐ No

RELATED CASE(S) IF ANY

(See instructions): JUDGE _____

DOCKET NUMBER _____

SIGNATURE OF ~~ATTORNEY~~ OF RECORD

K. Paul **Plaintiff**

OFFICE USE ONLY

PT # _____ AMOUNT _____ APPLYING IFP _____ JUDGE _____ MAG. JUDGE _____

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**04-40037**1. TITLE OF CASE (NAME OF FIRST PARTY ON EACH SIDE ONLY) KARAMJEET S. PAUL v. DAVID L. WINN

2. CATEGORY IN WHICH THE CASE BELONGS BASED UPON THE NUMBERED NATURE OF SUIT CODE LISTED ON THE CIVIL COVER SHEET. (SEE LOCAL RULE 40.1(A)(1)).

- ___ I. 160, 410, 470, R.23, REGARDLESS OF NATURE OF SUIT.
- XXX** II. 195, 368, 400, 440, 441-444, 540, 550, 555, 625, 710, 720, 730, 740, 790, 791, 820*, 830*, 840*, 850, 890, 892-894, 895, 950. *Also complete AO 120 or AO 121 for patent, trademark or copyright cases
- ___ III. 110, 120, 130, 140, 151, 190, 210, 230, 240, 245, 290, 310, 315, 320, 330, 340, 345, 350, 355, 360, 362, 365, 370, 371, 380, 385, 450, 891.
- ___ IV. 220, 422, 423, 430, 460, 510, 530, 610, 620, 630, 640, 650, 660, 690, 810, 861-865, 870, 871, 875, 900.
- ___ V. 150, 152, 153.

3. TITLE AND NUMBER, IF ANY, OF RELATED CASES. (SEE LOCAL RULE 40.1(G)). IF MORE THAN ONE PRIOR RELATED CASE HAS BEEN FILED IN THIS DISTRICT PLEASE INDICATE THE TITLE AND NUMBER OF THE FIRST FILED CASE IN THIS COURT.

THERE ARE NO RELATED CASES

4. HAS A PRIOR ACTION BETWEEN THE SAME PARTIES AND BASED ON THE SAME CLAIM EVER BEEN FILED IN THIS COURT?

YES NO NO

5. DOES THE COMPLAINT IN THIS CASE QUESTION THE CONSTITUTIONALITY OF AN ACT OF CONGRESS AFFECTING THE PUBLIC INTEREST? (SEE 28 USC §2403)

YES NO NO

IF SO, IS THE U.S.A. OR AN OFFICER, AGENT OR EMPLOYEE OF THE U.S. A PARTY?

NOT APPLICABLE

YES NO

6. IS THIS CASE REQUIRED TO BE HEARD AND DETERMINED BY A DISTRICT COURT OF THREE JUDGES PURSUANT TO TITLE 28 USC §2284?

YES NO NO

7. DO ALL OF THE PARTIES IN THIS ACTION, EXCLUDING GOVERNMENTAL AGENCIES OF THE UNITED STATES AND THE COMMONWEALTH OF MASSACHUSETTS ("GOVERNMENTAL AGENCIES"), RESIDING IN MASSACHUSETTS RESIDE IN THE SAME DIVISION? - (SEE LOCAL RULE 40.1(D)).

YES NO NO

A. IF YES, IN WHICH DIVISION DO ALL OF THE NON-GOVERNMENTAL PARTIES RESIDE?**XXXXXX** EASTERN DIVISION CENTRAL DIVISION WESTERN DIVISION**NOT APPLICABLE**

B. IF NO, IN WHICH DIVISION DO THE MAJORITY OF THE PLAINTIFFS OR THE ONLY PARTIES, EXCLUDING GOVERNMENTAL AGENCIES, RESIDING IN MASSACHUSETTS RESIDE?

EASTERN DIVISION CENTRAL DIVISION WESTERN DIVISION

EASTERN DIVISION

(PLEASE TYPE OR PRINT)

ADDITIONAL NAME

PLAINTIFF'S

ADDRESS

KARAMJEET S. PAUL**38516-060 UNIT I (CAMP)**

TELEPHONE NO.

FEDERAL MEDICAL CENTER, DEVENS P.O. BOX 879**AYER, MASSACHUSETTS 01432**